

Remarks

Applicant requests reconsideration and allowance of this application in view of the foregoing amendment and the following remarks.

The specification is amended as required. In addition, the claims are amended to add the “paragraph” form requested. Applicant has provided herewith an Information Disclosure Statement listing the three references cited in the international Search Report, as well as copies of the three references, and requests that said references be considered.

Claim Rejections - 35 USC 112

Claims 70 and 77 are amended to over come the antecedent basis rejection as to the term “said portion”.

In relation to the wording “radiation varied by said portion” in claims 70 and 77, it is well known to a person of ordinary skill in the art that if you irradiate an object with radiation then the radiation reflected from that object can be varied (compared to that of the incoming radiation) in some way by the physical properties of the object. The present Application incorporates by reference International Patent Application Publication WO96/06689 (see page 9 lines 30 and 31 of the Specification) which also describes such varied radiation. This is a very well known occurrence in the spectroscopy field.

In relation to the wording “which characteristic is detectable by spectral analysis but is not detectable by the naked eye or a colour camera” the meaning is quite clear to a person of ordinary skill to which this Specification is addressed. Claims 70 and 77 clearly recite that that characteristic related to the colour of the object is a specific spectral characteristic related to colour. It is clear from the passage between lines 24 and 34 of page 5 of the Specification that there are problems relating to colour cameras in identifying certain materials (irrespective of the resolution of that camera) and the specific spectral characteristics relating to the colour mentioned in the claims have to be determined by spectral analysis simply because they are physically undetectable with such a colour camera or the naked eye.

It is also further respectfully submitted that in relation to the colour camera used, it is purely for supplementing the spectral analysis identified in claims 70 and 77 in order to improve the efficiency of separating, and is discussed in some detail in the Specification at page 5 lines 2 to 23 and page 6 line 15 to page 7 line 4. It is clearly stated what features the colour camera can

be used to identify in this particular system and it is quite clearly not the specific characteristic referred to in claim 70 and 77.

Claim Rejections – 35 USC 102 and 35 USC 103

Applicant respectfully traverses the prior art rejections of the claims over Kumar US 6,795,179. Applicant respectfully submits that the Applicant is entitled to the two priority dates of January 16, 2002 and May 10, 2002. Kumar 6,795,179 was not filed until January 3, 2003 and not published until July 17, 2003 (as US 2003/0132142 A1), i.e., after the date of the present invention. Therefore, applicant submits that the Kumar patent is removed as a reference and that the 102 and 103 rejections are overcome.

Conclusion

In view of the foregoing amendment and remarks, applicant submits that this application is in condition for allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

Date:

May 25, 2007



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